

# U.S. Customs and Border Protection

**19 CFR Part 141**

**USCBP-2008-0062**

**CBP Dec. 10-33**

**RIN 1515-AD61 (FORMERLY 1505-AB96)**

## **TECHNICAL CORRECTION: COMPLETION OF ENTRY AND ENTRY SUMMARY - DECLARATION OF VALUE**

**AGENCY:** Customs and Border Protection, Department of Homeland Security.

**ACTION:** Final rule.

**SUMMARY:** Customs and Border Protection (CBP) periodically reviews its regulations to ensure that they are current, correct, and consistent. As a result of this review process, CBP has determined that a correction to part 141 of title 19 of the CBP Regulations (19 CFR part 141) is necessary to reflect that the underlying statutory authority for § 141.61(g) has expired and that this regulation is no longer necessary. Accordingly, part 141 of the CBP regulations is amended by removing the obsolete regulation.

**DATES:** The final rule is effective December 30, 2010.

**FOR FURTHER INFORMATION CONTACT:** Robert Shervette, Trade and Commercial Regulations Branch, Regulations and Rulings, Office of International Trade, (202) 325-0274.

### **SUPPLEMENTARY INFORMATION:**

#### **Background**

It is the policy of Customs and Border Protection (CBP) to periodically review title 19 of the Code of Federal Regulations (19 CFR) to ensure that it is accurate and up-to-date so that the importing and general public is aware of CBP requirements and procedures regarding import-related activities. As part of this review policy, CBP has determined that a correction to 19 CFR part 141 is necessary.

Section 141.61 of the CBP regulations (19 CFR 141.61) prescribes the manner by which entry and entry summary documentation must be completed. Within § 141.61, paragraph (g) requires an importer to indicate on the CBP Form 7501 the manner by which the declared transaction value on imported merchandise was determined. This requirement is authorized by § 15422(a) of the Food, Conservative, and Energy Act of 2008 (the “Act”), Public Law 110–234, 122 Stat. 1547 (19 U.S.C. 1484 note), in which Congress required CBP to collect for a one-year period beginning August 20, 2008, and ending August 19, 2009, from importers information on whether the transaction value of imported merchandise is determined on the basis of the price paid by the buyer in the first or earlier sale occurring prior to introduction of the merchandise into the United States.

On August 25, 2008, CBP published an interim rule as CBP Dec. 08–31 in the **Federal Register** (73 FR 49939) implementing the Act’s first sale declaration requirement that for a specified time period importers were required to declare, at the time of entry, the transaction value method employed. As the statutory authority for the importer declaration requirement expired on August 19, 2009, this document amends 19 CFR 141.61 by removing paragraph (g).

### **Inapplicability of Notice and Delayed Effective Date Requirements**

Because the technical corrections set forth in this document merely conform to existing law, CBP finds that good cause exists for dispensing with notice and public procedure as unnecessary under 5 U.S.C. 553(b)(B). For this same reason, pursuant to 5 U.S.C. 553(d)(3), CBP finds that good cause exists for dispensing with the requirement for a delayed effective date.

### **Regulatory Flexibility Act**

Because this document is not subject to the notice and public procedure requirements of 5 U.S.C. 553, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

### **Executive Order 12866**

These amendments do not meet the criteria for a “significant regulatory action” as specified in Executive Order 12866.

### **Signing Authority**

This document is limited to technical corrections of the CBP regulations. Accordingly, it is being signed under the authority of 19 CFR 0.1(b)(1).

### **List of Subjects in 19 CFR Part 141**

Customs duties and inspection, Entry of merchandise, Reporting and recordkeeping requirements.

#### **AMENDMENTS TO THE REGULATIONS**

For the reasons set forth above, part 141 of the CBP regulations (19 CFR part 141) is amended as set forth below.

#### **PART 141- ENTRY OF MERCHANDISE**

1. The general authority for part 141 continues to read as follows, and the specific authority for § 141.61 is removed:

**AUTHORITY** : 19 U.S.C. 66, 1448, 1484, 1624.

\* \* \* \* \*

2. Section 141.61 is amended by removing paragraph (g).

Dated: December 23, 2010

ALAN BERSIN  
*Commissioner*  
*U.S. Customs and Border Protection*

[Published in the Federal Register, December 30, 2010 (75 FR 82241)]

#### **AGENCY INFORMATION COLLECTION ACTIVITIES:**

#### **CBP Regulations Pertaining to Customs Brokers (19 CFR Part 111)**

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security

**ACTION:** 30-Day notice and request for comments; Extension of an existing information collection: 1651-0034.

**SUMMARY:** U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: CBP Regulations Pertaining to Customs Brokers (19 CFR Part 111). This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours or to the information being collected. This document is published to obtain comments from the public and affected agencies. This pro-

posed information collection was previously published in the **Federal Register** (75 FR 67094) on November 1, 2010, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

**DATES:** Written comments should be received on or before February 2, 2011.

**ADDRESSES:** Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov) or faxed to (202) 395-5806.

**SUPPLEMENTARY INFORMATION:**

U.S. Customs and Border Protection (CBP) encourages the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act (Pub. L.104-13). Your comments should address one of the following four points:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological techniques or other forms of information.

**Title:** CBP Regulations Pertaining to Customs Brokers (19 CFR Part 111)

**OMB Number:** 1651-0034

**Form Number:** CBP Forms 3124 and 3124E

**Abstract:** The information contained in Part 111 of the CBP regulations governs the licensing and conduct of customs brokers. Specifically, an individual who wishes to take the broker exam would complete CBP Form 3124E, “Application for Customs Broker License Exam”; or to apply for a broker license, CBP Form 3124, “Application for Customs Broker License” must be completed. The procedures to request a local or national broker permit can be found in 19 CFR 111.19, and a triennial report is required under 19 CFR 111.30. The information collected from customs brokers is provided for by 19 USC 1641. CBP Forms 3124 and 3124E may be found at <http://www.cbp.gov/xp/cgov/toolbox/forms/>. Further information about the customs broker exam and how to apply for it may be found at [http://www.cbp.gov/xp/cgov/trade/trade\\_programs/broker/broker\\_exam/notice\\_of\\_exam.xml](http://www.cbp.gov/xp/cgov/trade/trade_programs/broker/broker_exam/notice_of_exam.xml)

**Current Actions:** This submission is being made to extend the expiration date with no change to the burden hours or to this collection of information.

**Type of Review:** Extension (without change)

**Affected Public:** Businesses, Individuals

***CBP Form 3124E, “Application for Customs Broker License Exam***

**Estimated Number of Respondents:** 2,300

**Total Number of Estimated Annual Responses:** 2,300

**Estimated Time per Response:** 1 hour

**Estimated Total Annual Burden Hours:** 2,300

**Estimated Total Annual Cost to the Public:** \$466,000

***CBP Form 3124, “Application for Customs Broker License”***

**Estimated Number of Respondents:** 300

**Total Number of Estimated Annual Responses:** 300

**Estimated time per Response:** 1 hour

**Estimated Total Annual Burden Hours:** 300

***Triennial Report (19 CFR 111.30)***

**Estimated Number of Respondents:** 3,833

**Total Number of Estimated Annual Responses:** 3,833

**Estimated time per Response:** .5 hours

**Estimated Total Annual Burden Hours:** 1,917

**Estimated Total Annual Cost to the Public:** \$383,300

***National Broker Permit Application (19 CFR 111.19)*****Estimated Number of Respondents:** 500**Total Number of Estimated Annual Responses:** 500**Estimated time per Response:** 1 hour**Estimated Total Annual Burden Hours:** 500**Estimated Total Annual Cost to the Public:** \$112,500

If additional information is required contact: Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 799 9th Street, NW, 5th Floor, Washington, DC. 20229-1177, at 202-325-0265.

Dated: December 28, 2010

TRACEY DENNING  
*Agency Clearance Officer*  
*U.S. Customs and Border Protection*

[Published in the Federal Register, January 3, 2011 (76 FR 163)]

  
**AGENCY INFORMATION COLLECTION ACTIVITIES:****Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006**

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security

**ACTION:** 30-Day notice and request for comments; Extension of an existing information collection: 1651-0129.

**SUMMARY:** U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Haiti Haitian Hemispheric Opportunity through Partnership Encouragement (“Haiti HOPE”) Act of 2006. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (75 FR 67753) on November 3, 2010, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

**DATES:** Written comments should be received on or before February 2, 2011.

**ADDRESSES:** Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov) or faxed to (202) 395-5806.

### **SUPPLEMENTARY INFORMATION:**

U.S. Customs and Border Protection (CBP) encourages the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act (Pub. L.104-13). Your comments should address one of the following four points:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological techniques or other forms of information.

**Title:** Haitian Hemispheric Opportunity through Partnership Encouragement (“Haiti HOPE”) Act of 2006

**OMB Number:** 1651-0129

**Abstract:** Title V of the Tax Relief and Health Care Act of 2006 amended the Caribbean Basin Economic Recovery Act (CBERA 19 U.S.C. 2701-2707) and authorized the President to extend additional trade benefits to Haiti. This trade program, the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006 (“Haiti HOPE Act”), provides for duty-free treatment for certain apparel articles and certain wire harness automotive components from Haiti.

Those wishing to claim duty-free treatment under this program must prepare a declaration of compliance which identifies and details the costs of the beneficiary components of production and non-beneficiary components of production to show that the 50% value content requirement was satisfied. The information collected under the Haiti Hope Act is provided for in 19 CFR 10.848.

**Current Actions:** This submission is being made to extend the expiration date with a change to the burden hours. There is no change to the information being collected.

**Type of Review:** Extension (with change)

**Affected Public:** Businesses

**Estimated Number of Respondents:** 12

**Estimated Number of Annual Responses per Respondent:** 17

**Estimated Number of Total Annual Responses:** 204

**Estimated Time per Response:** 20 minutes

**Estimated Total Annual Burden Hours:** 67

If additional information is required contact: Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 799 9th Street, NW, 5th Floor, Washington, DC. 20229-1177, at 202-325-0265.

Dated: December 28, 2010

TRACEY DENNING  
*Agency Clearance Officer*  
*U.S. Customs and Border Protection*

[Published in the Federal Register, January 3, 2011 (76 FR 164)]